

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)
AMY LYNN WAGNER,) Case No. 23-21763-CMB
)
) Chapter 13
Debtor(s).)
_____ X

ORDER OF COURT
(Check Boxes That Apply)

☒ Confirming Plan on Final Basis ☒ Chapter 13 Plan dated:
8/18/23
☐ Authorizing Distributions Under Plan ☐ Amended Chapter 13 dated:
On Interim Basis Solely as Adequate _____
Protection

IT IS HEREBY ORDERED that the Chapter 13 Plan Payment is \$2,594.03 effective 9/23.

IT IS HEREBY ORDERED that pursuant to the plan identified above (the “Plan”), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee’s next available distribution date after the first day of the month following the date on which this Order is entered on the Court’s docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$2,910, beginning 11/23. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee’s TFS online payment program.

- ☐ B. The length of the Plan is changed to a total of at least ____ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.
- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- IRS CL. #5-2
 - PA REV CL. #7
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined

by Trustee to pay the claim in full during the Plan term:

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-

- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-

- ☒ K. Additional Terms and Conditions:
- Plan is confirmed prior to the bar date therefore the Debtor(s) is/are responsible for reviewing all proofs of claims as filed and on or before to take such action as is necessary to address any claims not already provided for in Plan.
 - *All plan payments must be by TFS, WA, or (where eligible) ACH. Trustee reserves the right to reject money orders or cashier's checks, provided further that if she, in her discretion, presents such items for payments she may keep the funds on hold for more than 30 days before distributing on such types of payments. Debtors making payments by money order or cashier's check assume the risk that distributions under the plan will be delayed because of the failure to pay by one of the approved methods.*

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

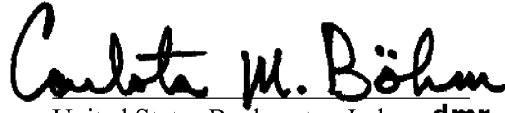
F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on

account of any allowed *secured claim* (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: November 14, 2023


United States Bankruptcy Judge **dmr**

cc: All Parties in Interest to be served by Clerk

FILED
11/14/23 8:42 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:
Amy Lynn Wagner
Debtor

Case No. 23-21763-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Nov 14, 2023

User: auto
Form ID: pdf900

Page 1 of 3
Total Noticed: 50

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2023:

Recip ID	Recipient Name and Address
db	+ Amy Lynn Wagner, 110 Station Street, Bulger, PA 15019-2020
15629913	+ Alleghney Health Network, 117-11 Myrtle Avenue, Richmond Hill, NY 11418-1751
15629917	+ Cera Lippert, 2914 Linda Way, Steubenville, OH 43952-2455
15629920	Cornerstone Care, 7 Glassworks Road, Greensboro, PA 15338-9507
15629922	+ Eugene Licker, Esquire, Ballard Spahr LLP, 1675 Broadway - 19th Floor, New York, NY 10019-7759
15629926	HVMG, PO box 536589, Pittsburgh, PA 15253-5907
15629932	Mifsud Law Office, 6305 Emerald Parkway, Anderson, IN 46016
15629934	+ Paul F. Millen, Esquire, 990 Stewart St - Ste 300, Garden City, NY 11530-9882
15629936	+ Reliance First Capital LLC, 201 Old Country Road - Ste 205, Melville, NY 11747-2731
15629944	+ Timothy Wagner, 110 Station St, Bulger, PA 15019-2020

TOTAL: 10

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@aisinfo.com	Nov 15 2023 00:32:55	Ally Financial, c/o AIS Portfolio Services, LLC, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	+ Email/Text: Bankruptcy@Freedommortgage.com	Nov 15 2023 00:26:00	Freedom Mortgage Corporation, 10500 Kincaid Drive, Fishers, IN 46037-9764
15629912	+ Email/Text: amscbankruptcy@adt.com	Nov 15 2023 00:28:00	ADT Security Services, 3190 South Vaughn Way, Aurora, CO 80014-3541
15648208	+ Email/Text: bnc@bass-associates.com	Nov 15 2023 00:25:00	Accelerated Inventory Mgt. LLC, Bass & Associates, P.C., 3936 E. Ft. Lowell Rd., Suite 200, Tucson, AZ 85712-1083
15629914	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Nov 15 2023 00:33:09	Amex/CBNA, PO Box 6789, Sioux Falls, SD 57117-6789
15629916	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Nov 15 2023 00:33:09	CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
15629915	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 15 2023 00:33:28	Capital One, PO Box 31293, Salt Lake City, UT 84131-0293
15632498	Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 15 2023 00:56:43	Capital One N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15629918	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Nov 15 2023 00:33:32	Citi Cards, PO Box 6241, Sioux Falls, SD 57117-6241
15636940	Email/PDF: Citi.BNC.Correspondence@citi.com	Nov 15 2023 00:33:13	Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
15629919	+ Email/Text: bankruptcy@clearviewfcu.org	Nov 15 2023 00:27:00	Clearview Federal CU, 8805 University Blvd, Coraopolis, PA 15108-4212
15629921	Email/Text: mrdiscen@discover.com		

District/off: 0315-2

User: auto

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Date Rcvd: Nov 14, 2023

Form ID: pdf900

Total Noticed: 50

		Nov 15 2023 00:25:00	Discover Bank, PO Box 15316, Wilmington, DE 19850
15631325	Email/Text: mrdiscen@discover.com		
		Nov 15 2023 00:25:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15629923	Email/Text: eblymiller@fidelitycollections.com		
		Nov 15 2023 00:25:00	Fidelity National Collections, 885 S Sawburg Ave - Ste 103, Alliance, OH 44601-5905
15632507	Email/Text: FirstmarkAccountMa@firstmarkservices.com		
		Nov 15 2023 00:25:58	Firstmark Services, PO Box 82522, Lincoln, NE 68501
15629924	+ Email/Text: FirstmarkAccountMa@firstmarkservices.com		
		Nov 15 2023 00:25:58	FirstMark Services Trust, 121 South 13th St, Lincoln, NE 68508-1904
15629925	^ MEBN		
		Nov 15 2023 00:18:54	Freedom Mortgage Corp, 951 W Yamato Rd - Ste 175, Boca Raton, FL 33431-4444
15648198	+ Email/Text: Bankruptcy@Freedommortgage.com		
		Nov 15 2023 00:26:00	Freedom Mortgage Corporation, Attn: Bankruptcy Department, 10500 Kincaid Drive, Fishers, IN 46037-9764
15629927	+ Email/Text: sbse.cio.bnc.mail@irs.gov		
		Nov 15 2023 00:26:00	IRS, Department of Treasury, PO Box 7346, Philadelphia, PA 19101-7346
15650954	Email/Text: JCAP_BNC_Notices@jcap.com		
		Nov 15 2023 00:27:00	Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud MN 56302-9617
15629928	Email/PDF: ais.chase.ebn@aisinfo.com		
		Nov 15 2023 00:33:32	JPMCB Card Services, PO Box 15369, Wilmington, DE 19850
15637106	+ Email/Text: RASEBN@raslg.com		
		Nov 15 2023 00:25:00	JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz, Schneid., Crane & Partners, PLLC, 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
15629930	+ Email/Text: PBNCNotifications@peritussservices.com		
		Nov 15 2023 00:25:00	Kohls/CapOne, PO Box 3115, Milwaukee, WI 53201-3115
15644376	Email/PDF: resurgentbknotifications@resurgent.com		
		Nov 15 2023 00:32:55	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15629931	+ Email/Text: Documentfiling@lciinc.com		
		Nov 15 2023 00:25:00	Lending Club Corp, 71 Stevenson St, Suite 300, San Francisco, CA 94105-2985
15648440	+ Email/Text: Documentfiling@lciinc.com		
		Nov 15 2023 00:25:00	LendingClub Bank, NA, P.O. BOX 884268, Los Angeles, CA 90088-4268
15643815	+ Email/Text: bankruptcydpt@mcmcg.com		
		Nov 15 2023 00:27:00	Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037
15650623	+ Email/Text: JCAP_BNC_Notices@jcap.com		
		Nov 15 2023 00:27:00	NORDSTROM, INC., Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud MN 56302-7999
15629933	+ Email/Text: bnc@nordstrom.com		
		Nov 15 2023 00:26:15	Nordstrom/TD Bank USA, 13531 E Caley Ave, Englewood, CO 80111-6504
15650589	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com		
		Nov 15 2023 00:33:40	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15636989	+ Email/Text: RVSVCBICNOTICE1@state.pa.us		
		Nov 15 2023 00:27:00	Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946, Harrisburg, PA 17128-0946
15629935	^ MEBN		
		Nov 15 2023 00:17:49	Prosper Marketplace Inc., 221 Main St, Suite 300, San Francisco, CA 94105-1909
15629937	+ Email/PDF: resurgentbknotifications@resurgent.com		
		Nov 15 2023 00:33:32	Resurgent/LVNV Funding, PO Box 1269, Greenville, SC 29602-1269
15629939	+ Email/PDF: ais.sync.ebn@aisinfo.com		
		Nov 15 2023 00:32:52	SYNCB/Amazon, PO Box 965015, Orlando, FL 32896-5015
15629940	Email/PDF: ais.sync.ebn@aisinfo.com		
		Nov 15 2023 00:33:30	SYNCB/Care Credit, PO Box 965036, Orlando, FL 32896-5036

District/off: 0315-2

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15629941	+ Email/PDF: ais.sync.ebn@aisinfo.com	Nov 15 2023 00:33:13	SYNCB/Lowe's, PO Box 965005, Orlando, FL 32896-5005
15629942	+ Email/PDF: ais.sync.ebn@aisinfo.com	Nov 15 2023 00:32:52	SYNCB/PPC, PO Box 530975, Orlando, FL 32896-0001
15629943	+ Email/Text: bnc-thebureaus@quantum3group.com	Nov 15 2023 00:26:00	The Bureaus Inc, 650 Dundee Road, Suite 370, Northbrook, IL 60062-2757
15629945	+ Email/PDF: ais.wellsfargo.ebn@aisinfo.com	Nov 15 2023 00:33:30	WF Crd Svc, PO Box 14517, Des Moines, IA 50306-3517
15644469	Email/PDF: ais.wellsfargo.ebn@aisinfo.com	Nov 15 2023 00:33:32	Wells Fargo Bank, N.A., Wells Fargo Card Services, PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

TOTAL: 40

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
15629929		Kayla Vicini, Address Unknown
15629938		Steven Diomataris, Address Unknown
15637107	*+	JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz, Schneid., Crane & Partners, PLLC, 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 16, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 14, 2023 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Freedom Mortgage Corporation bnicholas@kmlawgroup.com
Charles Laputka	on behalf of Debtor Amy Lynn Wagner claputka@laputkalaw.com jen@laputkalaw.com jbolles@laputkalaw.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
Ryan Starks	on behalf of Creditor Freedom Mortgage Corporation Ryan.Starks@brockandscott.com wbecf@brockandscott.com

TOTAL: 5